

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE
ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND**

UNCONFIRMED MEETING MINUTES

April 28, 2008
Middle School/High School Building
ASDB Phoenix Campus
Phoenix, Arizona

1. Call to Order and Roll Call

Board President Sherri Collins called the meeting to order at approximately 12:07 p.m.

Members Present: Sherri Collins

Members Present Via Speakerphone: Ray Mungaray, Michael Williams (disconnected at approximately 12:50 p.m.), Cliff Rowley, Orlenda Roberts, Bernhardt Jones

Members Absent: Mary Michaelis, Frank Hernandez, Kacey Gregson (was present via speakerphone for roll call but was excused from the meeting at 12:09 p.m.)

Others Present: Kim Anderson, Board legal counsel

2. President's Report/Summary of Current Events

Sherri Collins introduced newly appointed Board member Dr. Bern Jones who has been appointed by the Governor to fill Sami Hamed's expired appointment. Sherri Collins thanked Mr. Hamed for his time and service on the Board.

3. Public Comment on Agenda Items**

Sherri Collins allotted 5 minutes per speaker.

Martin Bihn, counsel for Pat Jimenez, spoke to the hearing officers findings of fact and conclusions of law. Mr. Bihn noted the hearing officer's report addressed the horrible things that went on, the difficulties and problems, but did not say what went right. Mr. Bihn reviewed what he believed went right and what he believed to be a mountain made out of a molehill attributing the matter to a bureaucratic problem. He stated that Ms. Jimenez does not deserve to be fired over this case, it is not as severe as the hearing officer has made out, and there's evidence to the contrary. Mr. Bihn asked the Board to set aside the hearing officers findings of facts and conclusions of law and reinstate Ms. Jimenez.

Pat Jimenez spoke to her post-termination appeal stating that she gave 7 years of her life, from July of 2000 to March of 2007, to the agency. She reviewed what she believes she has given to the Agency and shared one of the proudest things she accomplished as it related to Deaf/Blind students performing at or above non-disabled peers. Ms. Jimenez said she supported her supervisors' decision to pass through paperwork in RUSH fashion but this did not happen in time. Ms. Jimenez said she was placed in a situation where no

good options were left. Therefore, she hired three individuals because she could not fathom three HS deaf students not having interpreter support for the first day of school. She asked the Board to really look at this situation knowing that it happens to others and continues to happen, but she was chosen to be terminated for similar actions. She indicated she was standing up and speaking for what is right, even though her belief is the Board has made up their mind in this matter. She described the reasons she thinks she has already been punished enough. She asked the Board to take responsibility for the fact that this is a systems error, a paperwork error.

4. Discussion, Consideration and Possible Action on the Administrative Law Judge Decision in the Office of Administrative Hearings Regarding the Post-Termination Appeal by Ms. Patricia Jimenez

Sherri Collins asked all Board members to indicate whether they have received and reviewed the complete record of Case Number 08F-001-SDB, Jimenez vs. ASDB, to include the Administrative Law Judge Decision and the record of hearing.

Ray Mungaray – Yes,

Michael Williams – Yes

Cliff Rowley – Yes, I did receive but have not been able to read the whole thing in entirety

Orlenda Roberts – Yes

Bern Jones – Yes

Sherri Collins – Yes

It was moved by Michael Williams that the Board uphold the termination of Ms. Patricia Jimenez based upon the findings of facts, conclusions of law, and recommended order of the Administrative Law Judge Grant Winston and direct the Superintendent to communicate the Boards decision to Ms. Jimenez and the Office of Administrative Hearings.

Kim Anderson recommended the Board separately act on the findings of fact (first), the conclusions of law (second), and then the decision (third).

Michael Williams withdrew his motion, made a new motion that the Board of Directors accept the findings of fact as were given to us in the Board packet by the Administrative Law Judge, then asked for clarification by Board legal counsel of appropriate language.

Kim Anderson recommended the motion include language to adopt findings of fact 1-24 in their entirety if that is the intent.

It was moved by Michael Williams that the Board of Directors adopt the findings of fact numbered 1 through 24 in their entirety as recommended by the Administrative Law Judge, seconded by Orlenda Roberts, and carried with a majority vote as follows:

Ray Mungaray– Aye

Michael Williams – Aye

Cliff Rowley – Abstain

Bern Jones – Aye
Sherri Collins – Aye
Orlenda Roberts – Aye

Sherri Collins requested the Board to next address the conclusions of the law, numbers 1-14.

It was moved by Orlenda Roberts that the Board adopt the conclusions of law in their entirety, as recommended by ALJ, Numbers 1-14, seconded by Michael Williams, and carried with a majority vote as follows:

Ray Mungaray – Aye
Michael Williams – Aye
Cliff Rowley – Abstain
Orlenda Roberts – Aye
Bern Jones – Aye
Sherri Collins – Aye

Sherri Collins requested the Board to address the recommended order of the ALJ.

It was moved by Michael Williams that the Board accept the decision of the Administrative Law Judge and that the Board direct the Superintendent to communicate the Board decision to Ms. Jimenez and the Office of Administrative Hearings, seconded by Orlenda Roberts, and carried with a majority vote as follows:

Ray Mungaray – Aye
Michael Williams – Aye
Cliff Rowley – Abstain
Orlenda Roberts – Aye
Bern Jones – Aye
Sherri Collins - Aye

5. Approval of Donation from Patricia Lewis for Discussion, Consideration and Possible Action

Superintendent Hal Hoff reviewed the background of the donation, explained it is Board policy to approve the acceptance of donations over \$500.00, and recommended the Board honor the request of the donor to use the donation for Accreditation Process.

It was moved by Ray Mungaray, seconded by Michael Williams, and unanimously carried to accept the donation from Patricia Lewis to be used solely for the accreditation by the North Central Association.

6. Approval of Contracts and/or Agreements with Paula Voorhees, The Invisible Theatre, Laveen Elementary District, Avondale Elementary School District #44, Reveille Men's Chorus, Washington Elementary, Wilson School District #7 and Flagstaff Arts and Leadership Academy for Discussion, Consideration and Possible Action – (Exhibit 3)

The Board of Directors approves entering into the contracts/agreements with Paula Voorhees and The Invisible Theatre, Laveen Elementary District, Avondale Elementary School District #44, Reveille Men's Chorus, Washington Elementary, Wilson School District #7 and Flagstaff Arts and Leadership Academy.

Superintendent Dr. Hoff noted that several contracts are with School Districts through Coops and others are for performances or activities involving ASDB. He recommended approval of all contracts and agreements.

It was moved by Orlenda Roberts, seconded by Ray Mungaray, and unanimously carried that the Board approve entering into the contracts and agreements as listed and recommended by Superintendent, seconded by Ray Mungaray, and unanimously carried.

7. Confirmation of the April 2, 2009 and April 14, 2009 Meeting Minutes for Consideration, Discussion and Possible Action

Cliff Rowley noted a need to correct the April 2, 2009 meeting minutes, but could not specifically identify where in the meeting minutes this correction needed to be made.

It was moved by Sherri Collins, seconded by Cliff Rowley, and carried with a vote of 5 in favor and 1 abstention (Bern Jones) the Board table the minutes of April 2, 2009 and April 14, 2009 meetings until the next Board meeting.

8. Approval of Underground Power Easement –SRP Job No. KJR-886 BOC 19th Ave. & Hayward for Discussion, Consideration and Possible Action

Superintendent Dr. Hoff explained the purpose of easement to replace the power lines in Phoenix, and recommended the Board give their approval so that work to replace the power lines can be conducted during summer when school is not in session.

It was moved by Michael Williams, seconded by Sherri Collins, and unanimously carried that the Board approve the easement so that the work may continue as recommended by the Superintendent.

9. Cancellation or Rescheduling of the May 7, 2009 and June 4, 2009 Regularly Scheduled Board Meetings for Discussion, Consideration and Possible Action

Sherri Collins explained that since there have been three meetings this month, there is not a need for a meeting next week on May 7, and the June 4, 2009 meeting conflicts with the Tucson graduation.

Superintendent Dr. Hoff indicated that he would like to schedule a special meeting to discuss budget when ASDB receives budget information from the legislature. He is sharing with staff that ASDB can absorb a decrease of approximately two million dollars without reducing staff. He plans to take other precautions as well, such as freezing vacant positions, until ASDB receives a report on the budget situation. As soon he receives word from the legislature, he will work with Board President to schedule a

meeting to address this and any other business matters that may require Board attention.

It was moved by Ray Mungaray, seconded by Orlenda Roberts, and unanimously carried with a vote of 5 in favor (Michael Williams disconnected from the meeting prior to vote), that the Board cancel both the May 7 and June 4, 2009 Board meetings but have a special meeting to discuss budget when informed by legislature.

Hal Hoff, Bern Jones, Ray Mungaray, Sherri Collins, and Orlenda Robert spoke to the matter.

Discussion Highlights: Phoenix graduation on May 20th and Tucson graduation on June 4, 2009, a special meeting does not have to be conducted only on Thursdays, and the need to schedule the meeting with as much advance notice to Board members to avoid as many scheduling conflicts as possible.

10. Adjournment

It was moved by Ray Mungaray, seconded by Orlenda Roberts, and unanimously carried (absent Michael Williams) that the Board adjourn the meeting.

The meeting was adjourned at approximately 12:53 p.m.